

## UNITED STATES DISTRICT COURT

for the

District of South Carolina

James Corneilius Gary

*Plaintiff*

v.

Jon Ozmint, Director; Bernard McKie, Warden  
at Kirkland Correctional Institution,*Defendant*

Civil Action No. 2:10-cv-03024-JFA

**JUDGMENT IN A CIVIL ACTION**The court has ordered that (*check one*):

☐ the plaintiff (*name*) \_\_\_\_\_ recover from the defendant (*name*) \_\_\_\_\_ the amount of \_\_\_\_\_ dollars (\$\_\_\_), which includes prejudgment interest at the rate of \_\_\_\_ %, plus postjudgment interest at the rate of \_\_\_\_ %, along with costs.

☐ the plaintiff recover nothing, the action be dismissed on the merits, and the defendant (*name*) \_\_\_\_\_ recover costs from the plaintiff (*name*) \_\_\_\_\_.

☒ other: The Report and Recommendations of Magistrate Judge Robert S. Carr are adopted and incorporated. This case is dismissed without prejudice and without issuance and service of process. The plaintiff shall take nothing on his claim filed pursuant to Title 42 U.S.C. § 1983.

This action was (*check one*):

☐ tried by a jury, the Honorable \_\_\_\_\_ presiding, and the jury has rendered a verdict.

☐ tried by the Honorable \_\_\_\_\_ presiding, without a jury and the above decision was reached.

☒ decided by the Honorable Joseph F. Anderson, Jr., United States District Judge.

Date: February 25, 2011

CLERK OF COURT Larry W. Propes

S/H. Hillman

*Signature of Clerk or Deputy Clerk*